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F. #2021R00774

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 1349)

KHURSHED KHIKMATULLAEV,

Case No. 22 MJ /68

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Alan Fowler, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, in or about and between July 2020 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant KHURSHED KHIKMATULLAEV, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud the New York State Department of Motor Vehicles ("DMV"), and to obtain property from the DMV by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to cause to be deposited in any post office and authorized depository for mail matter, any matter and thing to be sent and delivered by the Postal Service, contrary to Title 18, United States Code, Section 1341.

(Title 18, United States Code, Section 1349)

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2016 and am currently assigned to the FBI's Eurasian Organized Crime Task Force, where I participate in investigations involving organized crime, fraud and violent crime. In these investigations, I conduct or participate in surveillance, execute arrest warrants and search warrants, including on electronic devices, debrief informants and review recorded conversations and other evidence.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

A. Background of the Fraudulent Scheme

3. The FBI is investigating a group of individuals who are conspiring to compromise the integrity of the examination process for the issuance of commercial driver's permits and licenses by the DMV.

4. The law of the State of New York requires that drivers of certain types of commercial vehicles, such as large buses, trucks and trailers, possess a commercial driver's license ("CDL"). The DMV issues CDLs in the State of New York, in accordance with regulations issued by the United States Department of Transportation. Holders of CDLs issued by the DMV are authorized to drive such commercial vehicles in interstate and foreign commerce.

5. Applicants seeking a CDL from the DMV are required to, among other things, pass a test (the “Test”) covering various subjects related to safely driving large vehicles. The Test is in a multiple-choice format and is administered at a computer terminal with a monitor that displays the questions at various approved locations. The sequence of the multiple-choice questions on the Test is randomized by the DMV’s testing software.

6. Applicants seeking a CDL from the DMV are also required to complete an application form. Above the space on the application form where the applicant is required to sign his or her name is a warning that making a false statement in connection with the application is a crime.

7. Once an applicant passes the Test, the applicant is eligible to take the CDL road test (the “CDL Road Test”) in which the applicant must exhibit their ability to safely drive an oversized vehicle on the road. Upon successfully passing the CDL Road Test and waiting at least one business day, the applicant is permitted to obtain from a DMV office a temporary CDL, which is valid for 90 days. Approximately three or four weeks after the issuance of a temporary CDL, the DMV mails, by the United States Postal Service (“USPS”), the applicant a permanent CDL bearing the applicant’s photograph.

8. The investigation has identified KHURSHED KHIKMATULLAEV as a member of a conspiracy to assist applicants in cheating on written CDL Tests, thus procuring CDLs by fraud, which CDLs were sent to applicants via the USPS.

B. The Fraudulent Scheme

9. In the course of this investigation, two confidential sources (“CS-1” and “CS-2”¹), whose identities are known to me, have participated in covert activities related to the fraudulent scheme as applicants for CDLs at the direction of law enforcement. These activities were surveilled by law enforcement agents, who have also reviewed consensual recordings made by CS-1 and CS-2. In separate debriefings, they have each provided the following details regarding the manner in which the scheme is carried out in sum, substance and in part:

- a. Prior to the Test, CS-1 and CS-2 met with an individual near a DMV testing location where they paid money in exchange for assistance to cheat on the Test.
- b. CS-1 and CS-2 were provided a shirt with buttons, in which one of the buttons was a small camera; and a wire to be worn around the neck connected to a small earpiece and, on the other side, to a cell phone which concealed in a pants pocket. CS-1 and CS-2 each described the earpiece as so small that it required a magnet to be removed from their ears.
- c. CS-1 and CS-2 entered the Testing location wearing this equipment.

¹ CS-1 and CS-2 both fled a foreign country in 2019 and at the time were subject to INTERPOL Red Notices, which are requests to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action. They were arrested in Europe. INTERPOL ultimately cancelled their Red Notices after determining the Notices were politically motivated. CS-1 and CS-2 are seeking asylum in the United States for themselves and their families (who are still abroad) and have been paid by the FBI for their services. CS-1 and CS-2 are each aware that the other is cooperating with the government. CS-1 and CS-2’s information has been corroborated by other information, including law enforcement surveillance, consensual recordings and interviews with other confidential sources.

d. In separate debriefings, CS-1 and CS-2 both described hearing a Russian male (“UM-1”) speaking in Russian into their earpieces during the Test. As described by CS-1 and CS-2, UM-1 could see the Test questions from the button camera on their respective shirts and directed them to answer test questions accordingly. UM-1 provided answers to the Test to CS-1 and CS-2 in numerical format: for example, 1 for A, 2 for B, 3 for C, etc. Neither CS-1 nor CS-2 had prior experience with or knowledge of the Test, but both passed the Test.

C. KHIKMATULLAEV’s Involvement in the CDL Scheme

10. As part of my investigation, I have viewed advertisements on a Telegram social media account. These advertisements, which are often in Russian or Uzbek, indicate that the account user can assist in obtaining CDL licenses for others. For example, one translated advertisement reads, in sum and substance, “we will get permit for illegal immigrants for inquiries call [“Phone-1”]. Whoever is having a hard time let your friends know to reach out to us. For legal status, we will help to get Class D, CDL Class A, B, C, Hazmat, tank, school bus, double triple, passenger permit.”²

11. There is probable cause to believe Phone-1 is used by KHIKMATULLAEV. On or about December 2, 2021, at the direction of and in the presence of law enforcement, a confidential source (“CS-3”³), whose identity is known to

² The translations set forth herein are draft, not final, translations and are subject to revision.

³ CS-3 has admitted to facilitating the fraudulent licensing scheme described herein and has been providing information to law enforcement in the hopes of entering into a cooperating agreement with the government and receiving leniency at sentencing in connection with his own participation in the licensing scheme.

me, called Phone-1. Phone-1 declined the call, but CS-3 immediately received a text message from another phone number ("Phone-2") regarding the CDL Test, which law enforcement agents have reviewed, which said "SMS," indicating the user of Phone-2 wanted to correspond by text message. According to subscriber records provided by the service provider, Phone-2 is subscribed to by KHIKMATULLAEV.

12. However, after sending the text message, the user of Phone-2 called CS-3 and identified himself using an alias that CS-3 has previously identified as belonging to KHIKMATULLAEV. KHIKMATULLAEV indicated to CS-3 that he could provide assistance with cheating on the CDL Test on the following day. There is thus probable cause to believe that KHIKMATULLAEV uses Phone-1 in connection with the advertisements for the CDL Scheme and calls potential customers back from Phone-2, likely in an effort to avoid detection by law enforcement.

13. On or about December 30, 2021, KHIKMATULLAEV was in possession of Phone-2 at John F. Kennedy International Airport in Queens, New York ("JFK Airport"). Pursuant to a judicially-authorized search warrant, Phone-2 was searched at that time, which search I assisted in. On Phone-2, I observed screenshots of appointment confirmations for CDL Tests in the names of other individuals and photographs of the driver's licenses of these and other individuals, large sums of cash, and electronic equipment that resembles a wireless receiver. In my training, experience, and participation in this investigation, I know these items can be used in the CDL Scheme. Phone-2 was returned to KHIKMATULLAEV after the search.

14. On or about February 2, 2022, law enforcement agents surveilled KHIKMATULLAEV in the vicinity of the Department of Motor Vehicles, located at 1775

South Avenue in Staten Island, New York (the “South Avenue DMV”). I observed KHIKMATULLAEV, who I recognized from law enforcement images and previous surveillance, sitting inside a white GLS 450 Mercedes sport utility vehicle (“SUV”) several hundred feet from the entrance to the South Avenue DMV. Between 10:45 a.m. and 1:10 p.m. that day, I observed at least seven individuals separately park their cars near KHIKMATULLAEV’s vehicle and enter KHIKMATULLAEV’s vehicle for a short time. Then I observed each individual exit KHIKMATULLAEV’s vehicle, enter their own vehicle, and park near the South Avenue DMV. Using these individuals’ license plates and vehicle registrations, the list of appointment for February 2, 2022 for the South Avenue DMV, and phone records, law enforcement agents determined that all seven individuals took the Test that day. After completing the Test, law enforcement agents observed the individuals return to KHIKMATULLAEV’s vehicle and enter for a short time before exiting to their own respective cars. Accordingly, there is probable cause to believe that KHIKMATULLAEV was providing equipment to individuals to assist them in cheating on the CDL Test that day.

15. On or about February 7, 2022, law enforcement agents interviewed a confidential source (“CS-5”), whose identity is known to me, who stated, in substance and in part, that an individual in a white Mercedes at a DMV in Long Island, New York, helped him cheat on the CDL Test on or about July 10, 2020. CS-5 identified a photograph of KHIKMATULLAEV as the individual who helped him cheat and stated the individual provided him with equipment to cheat on the CDL Test, including a camera and an earpiece

connected to a cell phone, by which answers were transmitted, in exchange for a \$900 payment. CS-5 passed the CDL Test.⁴

16. On February 11, 2022, law enforcement agents learned that KHIKMATULLAEV, a citizen of Uzbekistan, had purchased a one-way ticket to Istanbul, Turkey, with no subsequent flight reservation, and was scheduled to leave in approximately two hours. KHIKMATULLAEV was stopped at JFK Airport carrying only a backpack and approximately \$10,000 in cash.

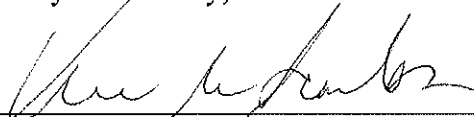
WHEREFORE, your deponent respectfully requests that the defendant KHURSHED KHIKMATULLAEV be dealt with according to law.

Alan Fowler

Alan Fowler

Special Agent, Federal Bureau of Investigation

Sworn to before me by reliable electronic device this
12th day of February, 2022



THE HONORABLE VERA M. SCANLON
CHIEF UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

⁴ CS-5 has no known criminal history. Law enforcement agents have corroborated CS-5's statements, including with the following information: (i) according to DMV records, CS-5 passed the CDL Test on July 10, 2020; and (ii) bank records reveal that CS-5 transmitted a \$900 payment to an individual associated with KHIKMATULLAEV via a digital payment application on July 10, 2020. CS-5 has not been offered any benefit in exchange for providing this information to law enforcement agents.